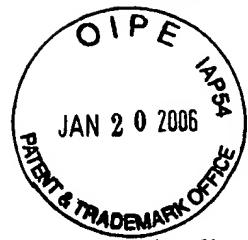


Docket No. JKM-101

AF
EPW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant:	Joseph K. Mosis)	
)	
Serial No.:	09/917,081)	Examining Attorney:
)	Charles E. Phillips
Filing Date:	July 30, 2001)	
)	Group Art Unit: 3751
Title:	PORTABLE SINK WITH INTERNAL OR OPTIONAL EXTERNAL WATER <u>SUPPLY</u>)	
)	

APPELLANT'S APPEAL BRIEF
(37 CFR 41.37)

Box: Appeal Brief - Patents
Assistant Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This amended Appeal Brief follows the letter from the Examiner dated December 20, 2005 pointing out certain defects in the original Appeal Brief.

This is an appeal with respect to the final rejection of Claims 9 and 11-14 in the above-identified patent application. A check for the appeal fee of \$250.00 pursuant to 37 CFR 41.20(b)(2) is attached. Also attached is a Request for a One Month Extension of Time and the processing fee of \$60.00 pursuant to 37 CFR 1.136 by which to extend the period for filing this Brief until October 10, 2005.

Should any additional fee be required in this matter; it is requested that such fee be charged to Deposit Account No. 08-1310.

REAL PARTY IN INTEREST

The identify of the real party in interest in this appeal is Joseph K. Mosis, an individual.

RELATED APPEALS AND INTERFERENCES

There are no other prior or pending appeals, interferences or judicial proceedings known to the appellant or the appellant's legal representative which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 9 and 11-14 have been finally rejected and are involved in the pending appeal.

Claims 1-8 and 10 have been cancelled. No claims have been allowed or objected to.

STATUS OF AMENDMENTS

Appellant's Amendment After Final Rejection filed May 13, 2005 has been entered and is of record in the pending appeal.

SUMMARY OF THE CLAIMED SUBJECT MATTER

Appellant's invention as recited in Independent Claim 9 under appeal relates to a portable water dispensing station 1 (Paragraph 0010, lines 1-2) adapted to be moved from one place to another and having a faucet 6 (Paragraph 0026, lines 1-3) at which fresh water is provided to a user. The claimed water dispensing station 1 includes a fluid coupling 11 (Paragraph 0031, lines 2-6) to be connected to receive fresh water from an external water source (e.g., such as via a water hose). An internal, self-contained reservoir or tank 10 (Paragraph 0028, lines 1-4) is also included

for storing fresh water and being movable with the portable dispensing station 1. A water pump 3 (Paragraph 0029, lines 1-4) communicates with the faucet 6 so as to pump fresh water thereto from one of the external water source by way of the fluid coupling 11 or the self-contained reservoir 10. In order to accomplish the foregoing, a control valve 12 (Paragraph 0031, lines 2-8) is provided to selectively connect the water pump 3 to either the fluid coupling 11 or to the self-contained reservoir 10 so that fresh water will be pumped to the faucet 6 from the external water source via fluid coupling 11 or from the self-contained reservoir 10 depending upon the operation of the control valve 12 (Paragraph 0012, lines 2-4). To this end, the control valve 12 has open and closed positions so that the water pump 3 is connected to the fluid coupling 11 and to the external water source when the control valve 12 is in the open position, and the water pump 3 is connected to the self-contained reservoir 10 when the control valve 12 is otherwise in the closed position.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- (A) Independent Claim 9 and Dependent Claims 10 and 11 are rejected under 35 USC 103(a) as being unpatentable over the patent to Watkins, et al. (5,813,063).
- (B) Dependent Claims 12-14 are rejected under 35 USC 103(a) as being unpatentable over the aforementioned patent to Watkins, et al. in view of the patent to Maddox (6,173,458).

ARGUMENT Claims 9-11

There is nothing in Watkins, et al. (hereinafter "Watkins") which is the same as or equivalent to the applicant's portable water dispensing station including a control valve 12 having open and closed positions and being operable to selectively connect a water pump 3 to an external source of water by way of a fluid coupling 11 when the control valve is in the open position and to an

internal, self-contained fresh water reservoir 10 when the control valve is in the closed position so that fresh water can be pumped to a faucet from either one of the external water source or the internal, self-contained water reservoir depending upon the position of the control valve 12 in the manner recited in Independent Claim 9. In this same regard, it should be recognized that the applicant's water pump 3 is at all times connected to one of the fluid coupling 11 or to the internal water reservoir 10 by means of the control valve 12 regardless of the position of the control valve.

In making his final rejection, the Examiner acknowledges that Watkins does not connect an external source of water to a water pump. The Examiner claims that a pressure regulator used by Watkins makes a water pump unnecessary. Nevertheless, there is absolutely no reason for Watkins to include a control valve like that claimed by the applicant having open and closed positions to be operated to selectively permit fresh water to be supplied to a faucet from an external water source and from an internal, self-contained water reservoir depending upon the position of the control valve. In addition, it is doubtful that a pressure regulator, alone, would provide the increased pressure necessary to pump a remote external water supply to a faucet. More particularly, if an external water source is used by Watkins, then the electric pump of Watkins is avoided altogether, such that water flows through only the pressure regulator and directly to the faucet. If an internal water source is otherwise used by Watkins, then the pressure regulator of Watkins does not operate at all and water flows from the internal source to the faucet via the water pump (see column 6, lines 39-47 of Watkins).

Unlike Watkins, neither the applicant's control valve nor his water pump as recited in Independent Claim 9 is pressure responsive. Therefore, the applicant's water pump as claimed is

always operational regardless of the position of the control valve or whether a source of external or internal water is supplied to a faucet. Simply put, nothing described by Watkins performs the same function or has the same connection to a water pump or operates in the same open and closed positions as does the control valve recited by the applicant.

Any reconfiguration of Watkins by which to include a control valve having open and closed positions so that the control valve is at all times connected to a fluid pump which is at all times connected to a faucet would require a reinvention of Watkins that is based entirely on hindsight. That is to say, and as indicated above, because the Watkins system is pressure responsive, such a reconfiguration to include a control valve always interconnected to a fluid pump always connected to a faucet was not recognized or considered by Watkins. It is the applicant's water pump which constantly controls water pressure, not a pressure regulator like that required by Watkins.

Accordingly, it is submitted that there is no teaching or motivation provided by Watkins which would encourage one of ordinary skill to completely redesign the system of Watkins to first include a multi-position control valve and then route an external source of water through a water pump by way of the control valve moved to an open position in the manner recited by the applicant in Independent Claim 9. Therefore, it is believed that Independent Claim 9 is patentable over any reasonable interpretation of Watkins. Inasmuch as Independent Claim 9 is believed to be patentable, Claims 10 and 11, which depend therefrom, are likewise believed to be patentable. Accordingly, the Examiner's final rejection in this regard should be reversed.

ARGUMENT
Claim 11

It may be that one way flow valves are generally known. However, the Examiner has failed to provide any indication how the teachings of Watkins are applicable to the applicant's one way flow valve as recited in Claim 11 specifically connected between the fluid coupling 11 and the internal water reservoir 10 to prevent the flow of fresh water from the external water source to the internal water reservoir when the control valve 12 is in the open position. Therefore, it is submitted that Claim 11 contains patentable subject matter in and of itself.

ARGUMENT
Claims 12-14

Claims 12-14 are dependent from Independent Claim 9. For the reasons presented above, Independent Claim 9 is believed to be patentable over Watkins, et al. Therefore, Dependent Claims 12-14 are likewise believed to be patentable over Watkins, et al. in view of Maddox.

CLAIMS APPENDIX

The current status of each claim that has been introduced into this application is set forth in the CLAIMS APPENDIX attached to this Appeal Brief.

EVIDENCE APPENDIX

No evidence is being submitted with this Appeal Brief. Therefore, this Appeal Brief contains no Evidence Appendix.

RELATED PROCEEDINGS APPENDIX

No decisions have been rendered by the Board or any Court in a related application.

Therefore, this Appeal Brief contains no Related Proceedings Appendix.

Respectfully submitted,

Morland C. Fischer

Morland C. Fischer
Attorney for the appellant
2030 Main Street
Suite 1050
Irvine, CA 92614
Telephone: (949) 476-0600
Facsimile: (949) 476-0606

January 17, 2006

Dated

CLAIMS APPENDIX

1. – 8. (Cancelled)

9. A portable water dispensing station to be moved from place to place and having a faucet at which fresh water is provided to a user, said portable water dispensing station comprising:

a fluid coupling adapted to be connected to receive fresh water from an external water source that is located remotely from said portable water dispensing station;

a reservoir for storing fresh water and being movable with said portable water dispensing station;

a water pump communicating with the faucet so as to pump fresh water thereto; and

a control valve by which to selectively connect said water pump to one of said fluid coupling or to said reservoir so that fresh water can be pumped to the faucet from the external water source or from the reservoir depending upon the operation of said control valve, said control valve having open and closed positions, said water pump being connected to said fluid coupling when said control valve is in the open position, and said water pump being connected to said reservoir when said control valve is in the closed position.

10. (Cancelled)

11. The portable water dispensing station recited in Claim 9, further comprising a one way flow valve connected between said fluid coupling and said reservoir to prevent the flow of fresh water from said external water source to said reservoir when said control valve is in the open position.

12. The portable water dispensing station recited in Claim 9, further comprising a water heater connected between said water pump and the faucet so that a portion of the fresh water being pumped to the faucet is heated by said water heater.

13. The portable water dispensing station recited in Claim 12, further comprising a water splitter communicating with said water pump so that said portion of the fresh water being pumped to the faucet is first pumped to the water heater so as to be provided to the user heated, and the remainder of the fresh water is pumped directly to the faucet so as to be provided to the user unheated.

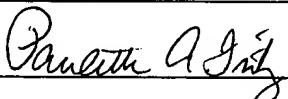
14. The portable water dispensing station recited in Claim 9, further comprising a sink to receive the fresh water pumped to the faucet; a gray water tank being movable with said water dispensing station and into which used water is collected after the fresh water provided to the user at the faucet has been used; and a drain extending from said sink to said gray water tank to enable the used water to flow therebetween for collection.



CERTIFICATE OF MAILING

I, Paulette A. Fritz, do hereby certify that the foregoing documents are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to BOX: Appeal Brief - Patents, Assistant Commissioner for Patents, P. O. Box 1450 Alexandria, VA 22313-1450 on this date of January 17, 2006.

Name Printed: Paulette A. Fritz

Signature: 

Date of Deposit: January 17, 2006